

DRAFT MINUTES
of the First Meeting of the
Music Therapy Technical Review Committee
January 28, 2021
9:00 a.m. to Noon
(This meeting was a webex meeting)

Members on the call

Shane Fleming, BSN, MSN, RN
Christine Chasek, LIMHP
Jennifer Dreibelbis
Kenneth Kester, PharmD, JD
Susan Meyerle, LIMHP
Stephen M. Peters, BA, MA
Marcy Wyrens, RRT

Staff persons on the call

Matt Gelvin
Ron Briel
Marla Scheer

I. Call to Order, Roll Call, Approval of the Agenda

Chairperson Fleming called the meeting to order at 9:05 a.m. The roll was called; a quorum was present. Mr. Fleming welcomed all attendees. The agenda and Open Meetings Law were posted and the meeting was advertised online at <https://dhhs.ne.gov/Licensure/Pages/Credentialing-Review.aspx>. The committee members unanimously approved the agenda for the first meeting.

II. Discussion on the Credentialing Review Process

Credentialing Review Program staff provided a brief overview of the credentialing review process and then asked if there were any questions about how the review process works.

III. Initial Questions and Discussion on the Proposal

Mr. Fleming asked if anyone from the applicant group was available to provide a brief overview of their proposal and then answer questions from committee members. Tyanne Mischnick, MME, MT-BC, responded that she would provide an overview of the applicant's proposal. Ms. Mischnick stated that Nebraska's music therapists seek licensure for their membership, adding that all they have now for a credential is a private certification that currently is not recognized in Nebraska. Ms. Mischnick went on to state that under the terms of the proposal music therapists in Nebraska would be licensed at a bachelors degree level, a degree that would include 1200 clinical hours acquired over six-month time-frame. Ms. Mischnick stated that continuing competency programs are already a component of music therapy professional activities and that an accreditation agency is also already in place. Ms. Mischnick stated that music therapy's private credential already provides for regulatory and disciplinary procedures for evaluation of members and action against those members who have not complied with standards of professional conduct. Ms. Mischnick stated that music therapy education and training includes course work in biological sciences, behavioral sciences, instrumental competencies, goal-oriented interventions, and research. Supervised practice is required as a component of this education and training. Ms. Mischnick stated that evidence-based treatment intervention is an on-going dimension of music therapy practice and that this approach to practice is a vital component of music therapy training.

Ms. Mischnick stated that protection of the public is a principal objective of the applicant group and that their proposal is designed to provide and enforce standards that would protect the public from unqualified providers of music therapy services or those who falsely claim to be providing music therapy when in fact they are only providing musical entertainment. Ms. Mischnick hastened to add that her group has no issue with those who seek to provide musical entertainment, per se, as long as they do not claim to be providing music therapy services, thereby. Ms. Mischnick went on to provide examples that illustrate how unqualified practice can result in harm to patients, stating that harm comes from recorded music that over-stimulates a patient thereby impeding progress in their treatment regimen. Ms. Mischnick stated that another reason the applicants are seeking licensure is to ensure that patients have good access to their services via third-party reimbursement and licensure would enhance the chances that this would occur.

Applicant representative Judy Simpson stated that the applicants want the State of Nebraska to license music therapists by recognizing their private credential and making it the basis for their licensure law in Nebraska. At this juncture a program staff person commented that Nebraska traditionally has been reluctant to endorse private credentials or the standards and practices of private organizations. Instead, Nebraska incorporates the elements of credentialing defined in a given proposal into a draft licensure bill drafted in a manner consistent with Nebraska's Uniform Licensure Law, a law to which all licensed health professions in Nebraska must adhere.

At this juncture Chairperson Fleming opened the meeting to questions for the applicant group from the members of the technical review committee. Committee member Chasek asked the applicants to clarify exactly how music therapy services are rendered. Ms. Mischnick responded by utilizing an example of a hypothetical music therapist treating someone with a brain injury. Continuing she stated that the therapist begins by identifying ways in which to "trigger" a neurological response from this patient. Continuing her remarks Ms. Mischnick stated that the goal is to "retrain the brain" so as to restore functions lost as a result of the injury whether that be speech or mobility, for example. She continued by stating that this hypothetical music therapist would be working part of a team that would be inclusive of other rehabilitation professionals, and that in this particular scenario the team would almost certainly include a physical therapist and a physician, for example.

Ms. Mischnick went on to state that some music therapists work in hospices with patients who have breathing problems utilizing music to help restore a viable breathing rhythm. She went on to state that the idea that "calming music" is all a patient needs from music therapists is false. Music therapists learn to gear the music to the specific neurological problem a given patient is suffering from, and, it cannot be assumed that so-called "calming music" is the best music for each and every patient's needs.

Committee member Marcy Wyrens asked the applicants where music therapy fits in the healthcare system. Ms. Mischnick responded by stating that music therapists are rehabilitation specialists and that they treat the same kinds of conditions and maladies that physical therapists and occupational therapists treat, adding that they treat anyone who has a neurological impairment.

Committee member Stephen Peters asked the applicants how many patients they are able to reach during the course of a year. Ms. Mischnick responded by stating that it's hard to come up with a number considering that there are so many unqualified providers "out there." She went on to state that her profession does create an annual survey that might provide some information to answer this question and that she would be glad to provide the one for 2020 to the committee members. Mr. Peters responded that this would be very helpful.

Committee member Stephen Peters then asked the applicants whether they work as employees or whether they work as contractors. Ms. Mischnick responded that most are contractors, the breakdown being 20 contractors and 10 company employees. Mr. Peters then asked if music therapists must follow certain practice protocols vis-à-vis the services they provide. An applicant representative responded by stating that employers do not provide practice protocols for music therapists. Each music therapist is sufficiently trained and educated that such protocols are unnecessary. Mr. Peters then asked if employers require that music therapists be Board certified. An applicant representative responded in the affirmative. Mr. Peters then asked if it would be possible for someone to get a bachelors degree in music and use degree to apply for licensure. An applicant representative responded that there would be no way to by-pass all the requirements for music therapy licensure including the required clinical hours, the required examination, and other prerequisite curricular items.

Committee member Peters asked the applicants to provide more hard evidence pertinent to actual harm to the public from unregulated practice rather than simply relating the potential for such harm. Mr. Peters continued by asking the applicants to provide information pertinent to whether or not licensing music therapist has successfully addressed such harm in states wherein licensure has already become part of state law.

Committee member Kester asked the applicants if there is any opposition to their proposal. An applicant representative responded that Speech and Language Pathologists have opposed us in some other states, and Mental Health Practitioners have opposed us in some other states, as well.

Committee member Dreibelbis asked the applicants how they plan to provide services across the entire state of Nebraska given that most music therapists reside in urban areas of eastern Nebraska. An applicant representative responded by stating that once licensure passes the profession would expand its services into central and western parts of the state.

Committee member Dreibelbis asked the applicants if they can bill a patient for services. An applicant representative responded by stating that there are specific billing codes that allows them to do that. However, they would only be able to bill for the specific services provided as part of a larger billing associated with a team of therapists with whom the music therapist in question cooperated to provide the services in question. Committee member Dreibelbis asked the applicants if they ever provide services solo. An applicant representative responded in the affirmative, but added that in this scenario the music therapist would be responsible for seeking out another health care professional for consultation purposes because music therapists are not portal of entry providers. Even if someone were to contact them requesting services the music therapist in question must seek out a licensed portal of entry provider to consult with regarding the services being requested.

Committee member Dreibelbis then asked the applicants about clinical supervision, specifically, who can provide clinical supervision for music therapists. An applicant representative responded by stating that physicians, some nurses, and physical therapists can fulfill that role.

Committee member Wyrens asked the applicants if they have considered the idea of joining another board as an option for administering their licensure credential. An applicant representative responded in the affirmative including the idea of joining an integrated board, for example.

Committee member Meyerle asked the applicants if there is a list of good contracting agencies or companies for music therapy services.

Committee member Dreibelbis asked the applicants to describe oversight standards required for supervising music therapists including who can supervise, who can report on supervisory matters, and who takes action in lieu of such reports.

IV. Public Comments

There were no public comments at this time.

V. Other Business and Adjournment

Program staff stated that they would send out a “doodle poll” to set the date and time for the next meeting of the committee. There being no further business, the committee members unanimously agreed to adjourn the meeting at 10:45 a.m. .